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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,051	11/16/2001	Atsujiro Ishii	P 283710 OL76398N-US-DCIP	7967

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PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
THOMPSON, TIMOTHY J	

ART UNIT	PAPER NUMBER
2873	

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/988,051	Applicant(s) ISHII ET AL.	
	Examiner Timothy J Thompson	Art Unit 2873	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 42-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *56-60* is/are allowed.

6)☒ Claim(s) *1,42-45 and 50-52* is/are rejected.

7)☒ Claim(s) *46-49 and 53-55* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *04 January 2002* is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. *09/172,263* .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 42-45, 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura(U.S. Patent No. 5,671,062).

Regarding claim 1, Nakamura discloses a first lens group having positive refracting power(fig 1, 1); a second lens group that has negative refracting power and moves from an object side to an image plane side of said system during zooming from a wide-angle end to a telephoto end of said system(fig 1, 2); a third lens group having positive refracting power(fig 1, 3); a fourth lens group that has positive refracting power and is movable during zooming(fig 1, 4), the first lens group has two lenses, a negative lens(fig 1, 11) and a positive lens(fig 1, 12), the third lens group has two lenses, a positive lens(fig 3, 31) and a negative lens(fig 3, 32), and the third lens group has at least one aspherical surface (table A); and a negative lens located nearest to an image side of the second lens group that satisfies at least the following condition: $v_{21} < 40$(table A, vi =37.2).

Regarding claim 42, Nakamura discloses discloses a first lens group having positive refracting power(fig 1, 1); a second lens group that has negative refracting power and moves from an object side to an image plane side of said system during zooming from a wide-angle end to a telephoto end of said system(fig 1, 2); a third lens group having positive refracting power(fig 1, 3); a fourth lens group that has positive refracting power and is movable during zooming(fig 1, 4), the first lens group has two lenses, a negative lens(fig 1, 11)

and a positive lens(fig 1, 12), the third lens group has two lenses, a positive lens(fig 3, 31) and a negative lens(fig 3, 32), and the third lens group has at least one aspherical surface (table A).

Regarding claim 43, Nakamura discloses the first lens group comprises one positive lens.

Regarding claim 44/1, 42, 43, Nakamura disclose the fourth lens group comprises one positive lens(fig 1, 42).

Regarding claim 45/1, 42, 43, Nakamura discloses the second lens group has a negative lens(fig 1, 21), a negative lens(fig 1, 22) and a positive lens(fig 1, 23).

Regarding claim 50/1, 42, 43, Nakamura discloses the first lens group remains fixed during Zooming(fig 1).

Regarding claim 51/1, 42, 43, Nakamura discloses the third lens group moves during zooming (fig 1).

Regarding claim 52/1, 42, 43, Nakamura discloses the third lens group moves toward the object side of the system from the wide-angle end to the telephoto end (fig 1).

Allowable Subject Matter

Claims 46-49, 53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The important features being the third lens group having two positive and a negative lens or the third lens group a positive single lens convex on an object side thereof and a doublet having a positive lens convex on an object side or the third lens a group having a cemented surface that is convex on an object side or the mathematical limitations pertaining to the movement of the lens groups or the focal lengths of the lens groups.

Claims 56-60 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 56, 57, 58 and 60 with the important features being the third lens group consists of, in order from an object side thereof, a double-convex positive lens, and a having a positive meniscus lens convex on an object side thereof or a third lens group having, in order from an object side thereof, a double-convex positive lens, and a doublet consisting of a positive meniscus lens convex on an object side thereof and a negative meniscus lens or a positive third lens group having, in order form an object side thereof, a positive single lens convex on an object side thereof and a doublet positive lens convex on an object side thereof Therefore claims 56-60 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

5/30/02

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800